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PATENT

Paper No.

File: Kor1-CIP

#27 from  
Pat re  
Acc. Exam

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Charles Kormanik, Jr.  
Serial No. : 08/802,472  
Filed : February 18, 1997  
For : THEMATIC PACKAGING SYSTEM  
Group Art Unit : 3208  
Examiner :

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**PETITION TO MAKE SPECIAL FOR NEW  
APPLICATION UNDER MPEP § 708.02, VIII**

S I R :

1. Petition

Applicant hereby petitions to make this new application special, the new application having not received any examination by the Examiner.

2. Claims

All the claims in this case are believed to be directed to a single invention. If the Patent and Trademark Office determines that all the claims presented are not directed to a single invention, Applicant will make an election without traverse as a prerequisite to the grant of special status.

3. Searches of U.S. Patents

Numerous searches of patents have been made for the claimed invention, as set forth below. Searches carried out for the Applicant are set out in subsections (A) and (B) below. Additionally, all claims presently pending were made subject to a restriction requirement in the parent application, and the Examiner conducted a search for the parent application, the results of which are set forth in

subsection (C) below. A Notice of Allowance was issued in the parent application.

(A) September 1993

(i.) Field of Search

The following Classes and Subclasses of the invention were searched:

Class	Subclasses
150	159
206	315.3, 315.4, 315.5

(ii.) Relevant Patents Uncovered

U.S. Patent	Inventor
5,220,950	Cordasco
5,131,442	Bevier
5,058,642	Tuntland
5,005,624	Sung
4,979,548	Howard, III
4,953,768	Muse
4,752,004	Very
4,200,133	Whitlow
3,754,587	Rainieri
3,709,553	Churchill

(iii.) Summary of the Relevant Patents Uncovered

U.S. Patent 5,220,950 discloses a golf bag cover with an opening in the top portion for allowing access to golf clubs.

U.S. Patent 5,131,442 discloses a golf bag cover of waterproof plastic having a flap to which a golf scorecard pocket is sealed.

U.S. Patent 5,058,642 discloses an impermeable golf bag cover; bottom portion serves as access to interior of golf bag.

U.S. Patent 5,005,624 discloses an elongated slot-like opening formed in cover to permit club to be moved into or out of protector.

U.S. Patent 4,979,548 discloses a cover for preventing water from entering golf bag while removing clubs.

U.S. Patent 4,953,768 discloses rain cover that encloses golf bag.; Cover and bag are carried by shoulder strap.

U.S. Patent 4,752,004 discloses protective cover for golf bag having slit openings which are covered by plastic skirt.

U.S. Patent 4,200,133 discloses golf bag cover; crushable plastic so it may be collapsed to a compact package for storage.

U.S. Patent 3,754,587 discloses a golf club cover, opening at top end covered by a flap.

U.S. Patent 3,709,553 discloses flexible transparent plastic curtains which may be compressed into a bundle when not in use.

(B) March 1994

(i.) Field of Search

The following Classes and Subclasses of the invention were searched:

Class	Subclasses
150	159
383	41, 55, 57, 88

(ii.) Relevant Patents Uncovered

U.S. Patent	Inventor
5,131,442	Bevier
3,754,587	Raineri

(ii.) Summary of the Relevant Patents Uncovered

The following is a brief summary of the references cited:

U.S. Patent No. 5,131,442 and Patent No. 3,754,587 disclose flexible, protective covers for golf bags having flexible passageways with folded lip closures.

(C) Examiner's Search in Parent Patent Application

(i.) Field of Search

The following Classes and Subclasses of the invention were searched:

Class	Subclasses
150	159
383	33, 88, 89

(ii.) Relevant Patents Uncovered

U.S. Patent	Inventor
✓ 917,124	Peirson
✓ 2,922,568	Harker
✓ 4,057,949	Grefe
✓ 4,795,270	Heyden
✓ 5,274,901	Sanders
✓ (Germany) 834,640	Decker
✓ (EPO) 222,184	Rosenlew

(ii.) Summary of Relevant Patents Uncovered

The following is a brief summary of the references cited:

U.S. Patent No. 917,124, U.S. Patent No. 2,922,568, U.S. Patent No. 4,057,949, U.S. Patent No. 5,274,901, (Germany) 834,640, and (EPO) 222,184 were cited in the parent case, and as described by the Examiner in the Office Action of February 1, 1996: "The prior art made of record and not relied upon is considered pertinent to applicant's disclosure."

U.S. Patent No. 4,795,270 was cited by the Examiner in issuing rejections based on 35 U.S.C. Secs. 102 and 103. The Examiner states that "since the examiner cannot determine whether or not the reference product inherently possesses properties which anticipate or render obvious the claimed product, i.e., the mouth being "openable" or "closable" in the manner recited, the rejection has basis for shifting the burden of proof to applicant...." In response to the rejection, Applicant pointed out that the '270 could not inherently disclose the claimed invention because it failed to disclose more than one "joint" or any joint at the sides of a flap. Applicant's response seemed sufficient because the prior art rejection was thereafter not an issue in the case, which has since been allowed. All pending claims include a claimed requirement of more than one "joint" and, generally, that the joints be adjacent to the flaps.

The inventor has provided the most relevant publications of which he is aware.

4. Copy of References

There is submitted herewith a copy of the references deemed most closely related to the subject matter encompassed by the claims. Also attached is Form PTO-1449.

5. Detailed Discussion of the References


It is respectfully submitted that the examination of the parent patent application, Ser. No. 08/339,602 considered such patents and found the allowable over the cited prior art. A detailed discussion of the references, to the extent such discussion can be made in view the prior examination, is provided above to aid in pointing out how the claimed subject matter is distinguishable over the references.

6. Fee

The fee required by 37 C.F.R. 1.17(i)(2) is to be paid by the enclosed check.

Respectfully submitted,

Date: 9 July 1997

  
Peter K. Trzypa  
(Reg. No. 32,601)

P.O. Box 7131  
Chicago, IL 60680-7131